GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3981
ANSWERED ON:13.12.2001
SPECIAL COURTS TO TRY OFFENCES AGAINST SC/ST
GADDE RAMAMOHAN;M.V.V.S MURTHI;SHIVAJI MANE

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the National Commission for SC/ST recommended for setting up of more special courts to try offences against the SC/ST;

(b) if so, the details for the special courts for SC/ST presently functioning in the country, State-wise;

(c) the number of cases pending in these courts, State-wise, the time since when these are pending and the reasons for delay; and

(d) the steps taken by the Government for their early disposal?

Answer

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a) The National Commission in its Fourth Report (199607 and 1997-98) had recommended that there should be an exclusive special court in each district for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, as the regular courts which are presently being designated as Special Courts are already over-burdened with other cases. It was also recommended that the atrocity cases must be tried by the special courts only and they should not be sent to lower courts for trial.

(b) Under the Protection of Civil Rights Act, the Government of Andhra Pradesh(22), Bihar(4), Karnataka(4), Rajasthan(6) have set up Exclusive Special Courts.State Govts/UT Admns. of Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh, Chandigarh and Pondicherry have notified existing courts as Special Courts for the trial of offences under the Act. Under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 the Government of Andhra Pradesh(5), Gujarat(3), Karnataka(4), Madhya Pradesh(25), Rajasthan(17), Tamil Nadu(4) and Uttar Pradesh(20) have set up Exclusive Special Courts. In accordance with section 14 of the SCs & STs (POA) Act, 1989 other State Govts. have notified the existing Courts of Sessions as Special Courts for the trial of offences under the Act.However, Arunachal Pradesh, Mizoram and Nagaland (which are predominantly trial area States) have not specified any Special Courts.

(c) The available information in respect of pendency of cases is given in Annexure-I and Annexure-II.Pendency of cases in the subordinate judiciary which includes special courts for trying offences against SCs/STs is due to various factors, including granting of adjournments, increased institution of cases on account of increased awareness of rights on the part of the citizens, tendency of litigants, lawyers strike and non-filling up of vacancies, etc.

(d) The Ministry of Social Justice and Empowerment has taken several steps for enforcement of the two Acts in an effective manner, which include the following:

(i) Under the Centrally Sponsored Scheme, Central assistance is provided to the State Governments on 50:50 basis and to Union Territory Administrations on 100% basis for measures undertaken/proposed by them for effective implementation of the Acts.

During 2000-2001, Rs.27.08 crores were made available to States/UTs as matching assistance for this purpose.Rs.30.00 crores have been provided under the scheme for 2001-2002 and Rs.24.96 crores has been released so far.

(ii) State Governments/UT Administrations have been requested to accord priority for implementation and monitoring of the policies/schemes related to the two Acts.

(iii) State Governments, where pendency of cases is high, have been requested to establish exclusive Special Courts for expeditious disposal of cases registered.

ANNEXURE-I

STATEMENT SHOWING CASES WITH COURTS UNDER THE SCHEDULED CASTES AND THE SCHEDULED
(PREVENTION OF ATROCITIES) ACT, 1989 AND DISPOSAL DURING 1998.

S.No.	State/UT	No. of cases in Courts including B.F. in 1998	No. of cases ended in conviction	No. of cases ended in acquittal	No. of cases pending with courts at the end of 1998
1.	Andhra Pradesh	1335	2	0	1333
2.	Assam	7	0	0	7
3.	Bihar	3692	7	370	3315
4.	Goa	2	0	1	1
5.	Gujarat	11839	9	1074	10756
6.	Haryana	54	1	12	41
7	Himachal Pr	43	0	23	20
8.	Karnataka	4273	0	601	3672
9.	Kerala	1489	12	216	1261
10.	Madhya Pradesh	10653	851	2889	6913
11.	Maharashtra	8234	23	416	7795
12.	Manipur	8	0	0	8
13.	Punjab	9	0	0	9
14.	Orissa	4454	4	37	4413
15.	Rajasthan	7655	240	1600	5815
16.	Sikkim	2	0	1	1
17.	Tamil Nadu	1409	19	173	1217
18.	Uttar Pradesh	92122	509	21920	69693
19.	West Bengal	33	0	0	33
20.	A & N Island	1	0	0	1
21.	D & N Haveli	5	0	0	5
22.	Daman & Diu	5	0	1	4
23.	Delhi	16	0	0	16
	Total	1,47,340	1,677	29,334	1,16,329

Note : 1. Scheduled Castes and Scheduled Tribes (POA) Act, 1989 not applicable in Jammu & Kashmir State.
2. Nil data reported by 8 States/UTs viz. Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Tripura, Chandigarh, Lakshadweep and Pondicherry.

ANNEXURE-II

STATEMENT SHOWING CASES WITH COURTS UNDER THE PROTECTION OF CIVIL RIGHTS ACT, 1955 AND THEIR DISPOSAL DURING 1998.

S.No.	State/UT	No. of cases in Courts including B.F. in 1998	No. of cases ended in conviction	No. of cases ended in acquittal	No. of cases pending with courts at the end of 1998
1.	Andhra Pradesh	794	1	4	789
2.	Goa	5	1	1	3

3. Gujarat	346	40	0	306
4. Haryana	13	0	3	10
5. Himachal Pradesh	16	0	3	13
6. Madhya Pradesh	1614	0	20	1594
7 Jammu & Kashmir	7	0	0	7
8. Karnataka	1788	1	1	1788
9. Kerala	21	0	7	14
10. Maharashtra	1763	5	26	1732
11. Orissa	128	0	0	128
12. Punjab	3	0	1	2
13. Rajasthan	31	2	8	21
14. Tamil Nadu	571	10	202	359
15. Uttar Pradesh	992	3	225	764
16. Chandigarh Admn.	1	0	0	1
17. Delhi	26	1	1	26
18. Pondicherry	23	3	12	8
Total	8,142	65	512	7,565

Note : 1. Nil data reported by 14 Aruncahal Pradesh, Assam, Bihar, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, West Bengal, Dadra & Nagar Haveli, Daman & Diu, Andaman & Nicobar and Lakshadweep.

2. @ Data reported for 15 Districts of Bihar.